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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,387	01/26/2004	Rainer Timpe	100584.53196US	4569

23911 7590 08/25/2005

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,387	Applicant(s) TIMPE, RAINER	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-29 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 5-6, it is not seen that the "holding element has a (one) tab which engages in a recess in said second face of each protective case (all recesses).

In claim 2, "said information carrier" lacks antecedent basis, as information carriers per se are not defined in claim 1, only referred to. Only positively claimed elements are "said".

In claim 5, line 1, "the recess" lacks antecedent basis for one particular recess. See also claims 7 and 11.

In claim 8, lines 1-2, "a center of mass" of **all** of the cases taken together as recited is inaccurate and indefinite. See also claim 9.

In claim 13, line 2, "the protective case associated with the rear wall" lacks antecedent basis.

In claim 18, line 1, "the connecting device" is inconsistent with claim 17. See also claim 19.

In claim 19, lines 3-4, "the respective recess" lacks antecedent basis.

In claim 20, line 2, "the groove-shaped recess" lacks antecedent basis. See also claims 21 and 22.

In claim 24, line 2, "a rear wall" is indefinite as to its location in the device.

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In claim 28, line 2, the word "means" is preceded by the word(s) "lighting" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no clear function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

In claim 29, line 2, "the cover element" lacks antecedent basis.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-4 and 7-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolman (1,358,833). Claims 1-2, 4-9 and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeh (5,690,221). Each discloses a device for storing a plurality of protective cases (10; 2; respectively) on a holding element (A and 14; B) the holding element having a tab (15; 5) which engages in a recess (13; 21) in the protective case so that each protective case can be pivoted from a storage position to a removal position (see Figure 1; see Figures 3 and 4).

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As to claim 12, each discloses a rear wall, provided with a tongue element (14; 51), through which the protective cases are moved (to the left in Figure 1; to the left in Figure 3).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Dolman and Yeh in view of Schapker (4,859,007). Schapker disclose connecting devices (12, 14, 16) to join additional holding elements (18) to the original. To modify either one of Dolman and Yeh employing the connecting device teaching of Schapker would have been obvious in order to provide an array of holding elements, increasing holding capacity.

7. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Dolman and Yeh in view of Salvail (5,515,979). Salvail discloses a pivotable flap (28) secured to a protective case to cover the insertion opening of the protective case. To modify either one of Dolman and Yeh employing the pivotable flap teaching of Salvail would have been obvious in order to secure the contents within the protective case.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Dolman and Yeh in view of Brown (1,341,412). Brown discloses a catch (at 19) to prevent pivoting of the protective cases in a device. To modify either one of Dolman and Yeh employing the catch teaching of Brown would have been obvious in order to secure the protective cases within the device.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Dolman and Yeh in view of Drobny (3,316,039). Drobny discloses providing a device from transparent material. To modify either one of Dolman and Yeh employing the transparent material teaching of Drobny would have been obvious to allow exterior viewing of the contents.

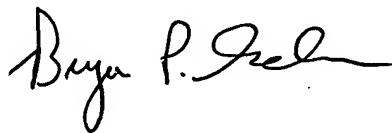
10. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Dolman and Yeh in view of Ackeret (4,722,034). Ackeret discloses lighting means (104) integrated into a cover of a holding element protective case. To modify either one of Dolman and Yeh employing the lighting means teaching of Ackeret would have been obvious in order to facilitate viewing of the structure.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG